

Message Text

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PAGE 01 ANTANA 01591 011346Z
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C O N F I D E N T I A L ANTANANARIVO 1591

E.O. 11652:GDS

TAGS: CARR (LAPPEMAN, EDMOND H)

SUBJECT: W/W ARRESTS: CASE OF EDMOND H. LAPPEMAN

REF: ANTANANARIVO 1523

1. SUMMARY. I HAVE DISCUSSED LAPPEMAN CASE WITH POLITICAL SIDE OF FOREIGN MINISTRY ON BASIS THAT WITH TIME THE CASE IS BECOMING INCREASINGLY A POLITICAL ISSUE. I BELIEVE IT WOULD BE USEFUL FOR DEPARTMENT TO FOLLOW THIS UP WITH WRITTEN APPROACH TO MALAGASY CHARGE IN WASHINGTON. END SUMMARY.

2. ON AUGUST 31 I CALLED ON FOREIGN MINISTRY'S DIRECTOR OF BILATERAL RELATIONS, PAUL RAKOTONDRAMASY, TO DISCUSS THE LAPPEMAN CASE. I TOLD HIM THAT I HAD PREVIOUSLY DEALT MOSTLY WITH HIS COLLEAGUE, THE CHIEF OF PROTOCOL, ON THIS SUBJECT SINCE I CONSIDERED IT PRIMARILY A CONSULAR MATTER, AND IT WAS PROTOCOL'S JOB TO TRY AND OBTAIN APPOINTMENTS FOR ME IN OTHER MINISTRIES CONCERNED WITH THE LAPPEMAN CASE. HOWEVER, SO MUCH TIME HAD PASSED SINCE LAPPEMAN'S ORIGINAL IMPRISONMENT AND SINCE OUR LAST ACCESS TO HIM THAT I NOW CONSIDERED THE CASE TO HAVE BECOME INCREASINGLY A POLITICAL MATTER AND ONE THAT SHOULD THEREFORE BE DEALT WITH IN THE CONTEXT OF OUR BILATERAL RELATIONS. I ALSO GAVE MR. R. COPIES OF THE NOTES AND AIDE MEMOIRES WHICH HAD BEEN CONFIDENTIAL

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EXCHANGED BETWEEN THE EMBASSY AND THE FOREIGN MINISTRY.

3. I TOLD MR. R. THAT IN MY VIEW THERE WERE FOUR ASPECTS TO TO THE CASE:

(A) THE EMBASSY'S NORMAL RESPONSIBILITY FOR PROTECTION OF AMERICAN CITIZENS. I REMINDED HIM THAT IT WAS OUR

OBLIGATION WORLD-WIDE TO TRY AND SEE TO IT THAT AMERICAN CITIZENS RECEIVED SPEEDY AND IMPARTIAL JUSTICE. IN THE CASE OF LAPPEMAN HE CERTAINLY HAD NOT RECEIVED SPEEDY JUSTICE, BUT IT WAS NOT POSSIBLE TO TELL AT THIS TIME WHETHER HIS AMERICAN CITIZENSHIP OR HIS SOUTH AFRICAN TIES HAD PREVENTED THIS OR WOULD MAKE IT IMPOSSIBLE FOR HIM TO BE JUDGED IMPARTIALLY;

(B) CONSULAR ACCESS. I REMINDED MR. R. OF THE MALAGASY GOVERNMENT'S OBLIGATIONS UNDER THE VIENNA CONVENTION, AND POINTED OUT TO HIM THAT ALTHOUGH THE CONVENTION HAD BEEN RESPECTED BY THE MALAGASY AUTHORITIES DURING THE FIRST FEW MONTHS OF LAPPEMAN'S IMPRISONMENT, WE HAD NOT BEEN ABLE TO SEE HIM FOR THREE MONTHS. FURTHER, I HAD BEEN UNABLE TO SEE THE MINISTER OF INTERIOR, WHO I UNDERSTOOD WAS RESPONSIBLE FOR STOPPING OUR ACCESS, IN ORDER TO DISCUSS THE MATTER.

(C) THE LACK OF A CASE AGAINST LAPPEMAN. I TOLD MR. R. THAT WHILE I MADE NO PRETENSE OF KNOWING ALL THE FACTS IN THE CASE, NOT HAVING BEEN PRIVY TO THE OFFICIAL INVESTIGATION, I DID NOT SEE HOW A PASSENGER COULD BE HELD RESPONSIBLE FOR THE MOVEMENTS OF AN AIRCRAFT WHICH ARE, BY TRADITION AND LAW, SOLELY THE RESPONSIBILITY OF THE PILOT IN COMMAND;

(D) THE POLITICAL ASPECT. I TOLD MR. R. THAT THIS
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LONG IMPRISONMENT OF AN AMERICAN CITIZEN WITHOUT TRIAL OR BAIL AND THE TERMINATION OF CONSULAR ACCESS COULD NOT HAVE A BENEFICIAL EFFECT ON RELATIONS BETWEEN THE U.S. AND MADAGASCAR. I HAD BEEN TOLD BY HIS PREVIOUS MINISTER AND BY THE PREVIOUS PRIME MINISTER THAT MADAGASCAR WANTED TO IMPROVE RELATIONS WITH THE U.S., BUT SO FAR NO PRACTICAL EFFECT HAD BEEN GIVEN TO THESE PROTESTATIONS. THE LAPPEMAN CASE WOULD HAVE BEEN A GOOD OPPORTUNITY FOR MALAGASY AUTHORITIES TO SHOW BY THEIR ACTIONS THAT THEY DESIRED IMPROVED RELATIONS. BUT THIS OPPORTUNITY HAD BEEN MISSED.

4. MR. R. DID NOT DISPUTE ANY OF MY STATEMENTS EXCEPT TO SAY THAT HE DID NOT THINK THE TREATMENT OF LAPPEMAN HAD BEEN MOTIVATED BY A DESIRE TO ANTAGONIZE THE U. S. HE SAID THAT HE WOULD MAKE A SPECIAL REPORT OF OUR CONVERSATION TO THE APPROPRIATE AUTHORITIES, AND HE REVIEWED THE FOUR POINTS I HAD MADE. HE SAID THAT THE FACTS IN THE CASE WERE ALREADY GENERALLY KNOWN TO ALL CONCERNED. BUT THAT POSSIBLY HIS REPORT MIGHT SERVE TO SPEED UP THE JUDICIAL PROCEDURES INVOLVED.

5. I BELIEVE IT WOULD BE APPROPRIATE FOR THE DEPARTMENT

TO FOLLOW UP THIS APPROACH OF MINE BY SUMMONING THE
MALAGASY CHARGE D'AFFAIRES AND HANDING HIM A NOTE OR AIDE
MEMOIRE AS SUGGESTED REFTEL. DEPARTMENT PLEASE INFORM ME
WHEN AND IF THIS IS DONE.BARRETT

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